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8 *Mellon fka the Bank of New York as Trustee*
9 *for the Certificateholders of the CWABS, Inc.,*
Asset-Backed Certificates, Series 2006-4

10 UNITED STATES DISTRICT COURT
11 FOR THE DISTRICT OF NEVADA

12 THE BANK OF NEW YORK MELLON FKA
13 THE BANK OF NEW YORK, AS
14 SUCCESSOR TRUSTEE TO JPMORGAN
15 CHASE BANK, N.A., AS TRUSTEE FOR
16 HOLDERS OF SAMI II TRUST 2006-AR2,
17 MORTGAGE PASS-THROUGH
18 CERTIFICATES, SERIES 2006-AR2

19 Plaintiff,
20 vs.

21 AMBER HILLS II HOMEOWNERS
22 ASSOCIATION; MARK DESISTO; ALESSI &
23 KOENIG,

24 Defendants.

Case No.: 2:16 cv 02576 -JCM-GWF

**STIPULATION AND ORDER OF FINAL
JUDGMENT CONFIRMING
EXISTENCE AND VALIDITY OF DEED
OF TRUST**

25 Plaintiff The Bank of New York Mellon f/k/a The Bank of New York as Successor Trustee to
26 JPMorgan Chase Bank, N.A., as Trustee for Holders of SAMI II Trust 2006-AR2, Mortgage Pass-
27 Through Certificates, Series 2006-AR2 (**BoNYM**), Amber Hills II Homeowners Association's
28 (**Amber Hills**), and Mark Desisto (**Desisto**) stipulate as follows:

1. This matter relates to real property located 9580 W. Reno Avenue, #116, Las Vegas,
Nevada 89148, APN 163-30-519-028. The property is more specifically described as:

APN: 163-30-519-028
46070670;2

PARCEL I (Common Area)

One (I) allocated interest as tenants-in-common in and to the Common Area of each phase of final map of AMBER HILLS II, a Common Interest Condominium Development, as shown by map thereof on file in Book 107 of Plats, Page 12 in the Office of the County Recorder, Clark County, Nevada. Said allocated interest to be a fraction, the numerator of which shall be one (1), and the denominator which shall be the number of Units in the Community which shall become subject to the Declaration of Restrictions recorded April 12, 2002 in Book 20020412 as Document No. 01791, Official Records.

Excepting therefrom all units and buildings located within the above referenced plat.

Reserving therefrom the right to possession of all those areas delineated as "Limited Common Elements" upon final map of AMBER HILLS 11, a Common Interest Condominium Development as defined in the Declaration.

Further reserving therefrom for the benefit of the Owners of all units within final map of AMBER HILLS 11, a Common Interest Condominium Development, (except the unit referred to In Parcel II, herein) non-exclusive easements for ingress, egress and recreational use on, over and across the Common Elements, as provided for in and subject to the Declaration.

PARCEL II (Living Unit)

Unit No. One Hundred Sixteen (116) in Building Four (4), as shown upon the above referenced Plat.

PARCEL III (Limited Common Elements)

The exclusive right of use, possession, and occupancy of those portions the project designated as those "Limited Common Elements" (including but not limited to patio(s), balconies, porch/landing, and parking space(s) as defined in and subject to the Declaration), which are appurtenant to Parcels I and II described above.

PARCEL IV (Appurtenant Easements)

A non-exclusive easement for ingress, egress and recreational use on, over and across those portions of final map of AMBER HILLS II, a Common Interest Condominium Development, delineated as "Private Drives", "Recreational Facilities" and "Common Elements", as defined in amid subject to the Declaration, which easement is appurtenant to Parcels 1 and II.

APN 163-30-519-028

2. BoNYM is the beneficiary of record of a deed of trust that encumbers the Property and was recorded on January 10, 2006, as Instrument No. 20060110-0004422, in the Official Records of Clark County, Nevada (the **Deed of Trust**).

3. On December 7, 2010, Desisto recorded a foreclosure deed as Instrument No. 20121207-0003222 in the Official Records of Clark County, Nevada (the **HOA Foreclosure Deed**), reflecting that Desisto purchased the property at a foreclosure sale of the property conducted by Amber Hills and Alessi on August 15, 2012 (the **HOA Sale**). Desisto has not transferred its interest in the property and is still the title holder of record.

4. On November 7, 2016, BoNYM initiated a quiet title action against Desisto, Amber Hills, and Alessi in the United States District Court, District of Nevada, Case No. 2:16-cv-02576.

5. BoNYM, Amber Hills, and Desisto have entered a confidential settlement agreement in which they have settled all claims between them in this case. This stipulation and order applies to the matters addressed in this particular case only and has no relevance to any other matter.

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6. The Deed of Trust survived and was not extinguished in any capacity by the HOA Sale. The Deed of Trust remains a valid encumbrance against the property following the recording of the HOA Foreclosure Deed, and Desisto's interest in the property is subject to the Deed of Trust.

DATED this 5th day of November, 2018.

AKERMAN LLP

/s/ Vatana Lay, Esq.

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ORDER

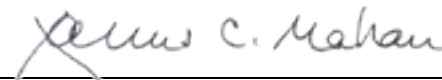
Based on the above stipulation between plaintiff The Bank of New York Mellon f/k/a The Bank of New York as Successor Trustee to JPMorgan Chase Bank, N.A., as Trustee for Holders of SAMI II Trust 2006-AR2, Mortgage Pass-Through Certificates, Series 2006-AR2 (**BoNYM**), Amber Hills II Homeowners Association's (**Amber Hills**), and Mark Desisto (**Desisto**), the Parties' agreement, and good cause appearing therefore,

IT IS ORDERED that the deed of trust recorded in the Official Records of Clark County, Nevada against the real property located at 9580 W. Reno Avenue, #116, Las Vegas, Nevada 89148, APN 163-30-519-028 on on January 10, 2006, as Instrument No. 20060110-0004422, was not extinguished, impaired, or otherwise affected by the foreclosure sale of the property conducted by Amber Hills and Alessi on August 15, 2012 or the recording of the HOA foreclosure deed in the Official Records of Clark County, Nevada, on December 7, 2010, as Instrument No. 20121207-0003222, reflecting that Desisto purchased the property at the HOA Sale. Desisto's ownership interest in the property is subject to the deed of trust.

IT IS FURTHER ORDERED that BANA shall be entitled to record this STIPULATION AND ORDER CONFIRMING VALIDITY OF DEED OF TRUST in the Official Records of Clark County, Nevada in accordance with the rules of the Recorder's Office.

IT IS FURTHER ORDERED that this order constitutes the final judgment of this Court, resolving all claims in this case with prejudice, each party to bear its own fees and costs.

DATED November 15, 2018.


UNITED STATES DISTRICT JUDGE

1 Respectfully submitted by:

2 **AKERMAN LLP**

3 /s/ Vatana Lay, Esq.

4 ARIEL E. STERN, ESQ.

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